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Attorneys for Third-Party Defendant/Fourth-party Plaintiff F&S Distributors, Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

**AVENUE LOFTS CONDOMINIUMS OWNERS' ASSOCIATION**, an Oregon nonprofit corporation,

Plaintiff,

vs.

**VICTAULIC COMPANY**, a foreign corporation, **HOWARD W. WRIGHT CONSTRUCTION CO.**, a foreign corporation; **FERGUSON ENTERPRISES**, aka **FERGUSON ENTERPRISES, INC.**, a foreign corporation; and **MSI MECHANICAL SYSTEMS, INC.**, an Oregon corporation,

Defendants.

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**VICTAULIC COMPANY**, a foreign corporation

Third-Party Plaintiff,

vs.

**SEAL DYNAMICS**, a Florida corporation; and **F&S DISTRIBUTORS, INC.**, a New Jersey corporation,

Third-Party Defendants.

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Case No. 3:13-cv-01066-MO

**THIRD-PARTY DEFENDANT/FOURTH-PARTY PLAINTIFF F&S DISTRIBUTORS, INC.'S MOTION FOR SUMMARY JUDGMENT**

ORAL ARGUMENT REQUEST

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**F&S DISTRIBUTORS, INC.**, a New Jersey corporation,

Fourth-Party Plaintiff,

v.

**NATIONAL O-RING dba HUTCHINSON SEAL CORP.**, a Delaware corporation; and  
**HUTCHINSON SEAL CORP.**, a Delaware corporation,

Fourth-Party Defendants.

**LR 7.1(a)(1) Certification**

Counsel for third-party defendant F&S Distributors, Inc. ("F&S") certifies pursuant to LR 7.1 that she made a good faith effort with counsel to discuss this motion and resolve the dispute, but the parties have been unable to do so.

**MOTION**

Pursuant to Fed. R. Civ. P. 56, F&S moves for summary judgment in its favor dismissing the claims made by Victaulic in its third-part complaint against it with prejudice because the claims are barred by issue preclusion.

This motion is supported by the accompanying declaration of Kirstin Abel, and by the accompanying memorandum of law.

Dated this 18<sup>th</sup> day of March, 2016.

**BODYFELT MOUNT LLP**

BY: /s/ Kirstin L. Abel

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CERTIFICATE OF SERVICE

I hereby certify that I served a true copy of the foregoing **THIRD-PARTY DEFENDANT/FOURTH-PARTY PLAINTIFF F&S DISTRIBUTORS, INC.'S MOTION FOR SUMMARY JUDGMENT** on the following attorneys on the date noted below via the following method:

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	<i>Of Attorneys for MSI Mechanical Systems, Inc.</i>
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Method:  US Mail, postage prepaid  
 Email  
 Hand Delivery  
 CM/ECF

Dated this 18<sup>th</sup> day of March, 2016.

BY: /s/ Kirstin L. Abel

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